

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Haeley Galeote	Team: Squad #14	CCRB Case #: 202300715	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/02/2023 5:30 AM	Location of Incident: 70th Precinct Stationhouse	18 Mo. SOL 7/2/2024	Precinct: 70		
Date/Time CV Reported Tue, 01/03/2023 4:01 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 01/03/2023 4:01 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. SGT Hua Jiang	02186	935067	070 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A . SGT Hua Jiang	Abuse: Sergeant Hua Jiang did not process § 87(2)(b) complaint regarding an officer.				
B . SGT Hua Jiang	Abuse: Sergeant Hua Jiang improperly used his body-worn camera.				

### Case Summary

On January 3, 2023, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On January 2, 2023, at approximately 5:30 a.m., § 87(2)(b) arrived at the 70<sup>th</sup> Precinct stationhouse at 154 Lawrence Avenue in Brooklyn to file a complaint against officers. As § 87(2)(b) filled out the civilian complaint form, Sergeant Hua Jiang of the 70<sup>th</sup> Precinct ordered § 87(2)(b) to leave the stationhouse (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was ultimately unable to file his complaint.

No arrest or summons resulted from this incident.

The investigation did not receive any body-worn camera footage as Sgt. Jiang improperly did not turn on his BWC (**Allegation B: Abuse of Authority**, § 87(2)(g)).

Stationhouse surveillance footage was received from the 70<sup>th</sup> Precinct, the relevant aspects of which are discussed in further detail below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Hua Jiang did not process § 87(2)(b) complaint regarding an officer.**

**Allegation (B) Abuse of Authority: Sergeant Hua Jiang improperly used his body-worn camera.**

§ 87(2)(b) testified (**BR 07**) that when at the stationhouse he spoke to two officers at the front desk and informed them that he wanted to report a complaint he previously made two months earlier in November of 2022 because he never received confirmation that it was processed. § 87(2)(b) was first told that he could not file the same complaint again, however, § 87(2)(b) was eventually given the complaint form. § 87(2)(b) sat on a chair that was in front of the stationhouse front desk to fill out the complaint form. As § 87(2)(b) did so, Sgt. Jiang came up to § 87(2)(b) and asked what he was doing. § 87(2)(b) explained that he was filing a complaint and Sgt. Jiang told § 87(2)(b) that he could not file the same complaint and ordered § 87(2)(b) to leave. § 87(2)(b) complied after two additional officers appeared behind Sgt. Jiang and was ultimately unable to file his complaint as a result.

Stationhouse surveillance footage (**BR 06**) from 1:19:56 to 1:20:20, shows Sgt. Jiang exit the authorized personnel area and walk up to § 87(2)(b) who sits on a chair in front of the front stationhouse desk, and both begin to speak. Starting at 1:21:15, two officers are seen standing inside the authorized personnel area looking out at Sgt. Jiang and § 87(2)(b) as they converse. As § 87(2)(b) moves his arms as he speaks to Sgt. Jiang. Starting at 1:21:20, § 87(2)(b) stands from his chair holding the civilian complaint form he was filling out and walks around Sgt. Jiang to the front door. As § 87(2)(b) stands by the door, he gesticulates with his arms held extended at his sides as he continues to speak to Sgt. Jiang and shakes the form in his hand. At 1:21:31, the two officers watching from the authorized personnel room walk out to Sgt. Jiang and § 87(2)(b). One of the officers opens the stationhouse front door for § 87(2)(b) and § 87(2)(b) walks out of the stationhouse at 1:21:41.

Sgt. Jiang testified (**BR 08**) that § 87(2)(b) explained that he previously reported a civilian complaint but did not receive any contact from the CCRB and thus wanted to file it again. Sgt. Jiang told § 87(2)(b) that he could not do so, and that § 87(2)(b) either had to call the CCRB to inquire about the status of his case or to wait for the CCRB to call him. § 87(2)(b) raised his voice and stated that he wanted to refile his complaint. Sgt. Jiang believed that it was prohibited for a civilian to refile a complaint but was unaware if there was any written procedure stating so. As § 87(2)(b) could not refile the complaint, Sgt. Jiang told § 87(2)(b) that he had to leave. Sgt. Jiang believed that § 87(2)(b) left voluntarily, and thus, Sgt. Jiang did not activate his BWC because he was not taking any police action. Sgt. Jiang also noted that despite § 87(2)(b) having raised his voice, Sgt. Jiang did not believe their encounter was escalating or

adversarial. Sgt. Jiang was shown the stationhouse surveillance footage of his interaction with § 87(2)(b) but it did not refresh Sgt. Jiang's recollection of there ever being any escalation and Sgt. Jiang maintained that § 87(2)(b) left the stationhouse voluntarily.

Patrol Guide Procedure 207-28 (BR 03) states that when a complaint is made in person against an officer the complainant should be interviewed and given the first copy of the civilian complaint report to have them fill it out.

Patrol Guide Procedure 212-123 (BR 04) states that BWC should be activated prior to engaging in any police action, as well as to record any interactions that escalate to become adversarial or may hold evidentiary value. Police action is defined to include self-initiated enforcement actions.

Sgt. Jiang testified that he did not file § 87(2)(b) complaint against officers because it was a duplicate of a complaint already filed, and thus, § 87(2)(b) needed to contact the CCRB or wait for the CCRB to contact him instead. However, the Patrol Guide required Sgt. Jiang to process § 87(2)(b) complaint regardless of whether it was previously filed § 87(2)(g)

Though Sgt. Jiang believed that he did not conduct any police action and thus did not need to activate his BWC, the investigation determined that Sgt. Jiang ordering § 87(2)(b) to leave the stationhouse constituted police action. Additionally, based on § 87(2)(b) insistence on filing his complaint and his raised voice, which was generally corroborated throughout § 87(2)(b) testimony, Sgt. Jiang's testimony, and stationhouse surveillance footage, the investigation also determined that the encounter escalated and became adversarial. § 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Sgt. Jiang has been a member-of-service for 18 years and this is the first complaint to which he has been a subject.

#### Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 8, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 01).

- [REDACTED]

#### RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

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Squad: 14

Investigator:	<u>Haeley Galeote</u> Signature	<u>Inv. Galeote</u> Print Title & Name	<u>06/02/2023</u> Date
Squad Leader:	<u>Cassandra Fenkel</u> Signature	<u>IM Cassandra Fenkel</u> Print Title & Name	<u>06/08/2023</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date